COUNTY COUNCIL OF HOWARD COUNTY, MARYLAND

2009 Legislative Session

Legislative Day No. 11 September 8, 2009

HOWARD COUNTY TO WIT:

The Chairman called the session to order at 8:24 p.m.

Mary Kay Sigaty, Chairperson; Jennifer Terrasa, Vice Chairperson; Calvin Ball, Council Member; Greg Fox, Council Member; and Courtney Watson, Council Member, were present.

Stephen LeGendre, Administrator to the County Council; Margaret Ann Nolan, County Solicitor; Jim Vannoy, Office of Law; Paul Johnson, Office of Law; and Jennifer Sager, Legislative Coordinator, were also present.

APPROVE MINUTES

The Chairperson moved to approve the minutes for the Closed Meeting - September 1, 2009. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Sigaty, Ball, Fox, and Terrasa; Council Member Watson abstained.

The motion to approve the minutes passed.

AMEND AGENDA

Supplementary Budget & Appropriation Ordinance No. 6-Fiscal 2010 - Transferring \$750,000 from the Grants Fund, Contingency Reserve to the Department of Housing and Community Development to establish the Neighborhood Conservation Initiative (NCI) Project

Council Bill No. 48-2009 - Introduced by Chairperson Sigaty - Removing certain requirements for certain members of certain boards and commissions; and generally relating to financial disclosure requirements for members of boards and commissions

Council Bill 49-2009 – Amending the Annual Budget and Appropriation Ordinance of Howard County, Fiscal Year 2010 in order to make an emergency appropriation from revenues not anticipated in the budget for Fiscal Year 2010 pursuant to Section 610 of the Howard County Charter; and declaring this to be an emergency Act.

Council Resolution No. 82-2009 -- Calling the County Council of Howard County, Maryland into legislative session on September 9th, 2009.

The Chairperson moved to amend the agenda to allow the introduction of Supplementary Budget & Appropriation Ordinance No. 6-Fiscal 2010; Council Bill No. 48-2009; Council Council Bill No. 49-2009 and Resolution No. 82-2009 which were not prefiled. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.

The motion to amend the agenda passed.

INTRODUCTION OF LEGISLATION

The following legislation is introduced by the Chairperson at the request of the County Executive unless otherwise noted:

Appointments

- Council Resolution No. 70-2009 Confirming the appointment of Deborah S. Adler to the Commission on Aging
- A RESOLUTION confirming the appointment of Deborah S. Adler to the Commission on Aging.
- Council Resolution No. 71-2009 Confirming the appointment of Roxanne C. Farrar to the Commission on Aging
- A RESOLUTION confirming the appointment of Roxanne C. Farrar to the Commission on Aging.
- Council Resolution No. 72-2009 Confirming the appointment of John F. Meitl to the Fire and Rescue Services Board
- A RESOLUTION confirming the appointment of John F. Meitl to the Fire and Rescue Services Board.
- Council Resolution No. 73-2009 Confirming the appointment of Michael J. Sikorski to the Recreation & Parks Board
- A RESOLUTION confirming the appointment of Michael J. Sikorski to the Recreation & Parks Board
- Council Resolution No. 74-2009 Confirming the appointment of Robert Tennenbaum to the Historic District Commission
- A RESOLUTION confirming the appointment of Robert Tennenbaum to the Historic District Commission

Council Resolution No. 75-2009 - Confirming the appointment of Thomas J. Underwood to the Human Rights Commission

A RESOLUTION confirming the appointment of Thomas J. Underwood to the Human Rights Commission

Council Resolution No. 76-2009 – Confirming the reappointment of Lisa Badart to the Historic District Commission

A RESOLUTION confirming the reappointment of Lisa Badart to the Historic District Commission.

Financial

Council Bill No. 41-2009 – Authorizing the issuance, sale and delivery of up to \$154,275,344 consolidated public improvement bonds and up to \$46,629,000 metropolitan district bonds, pursuant to various bond enabling laws; providing that such bonds shall be general obligations of the County

AN ORDINANCE authorizing the issuance, sale and delivery of up to \$154,275,344 consolidated public improvement bonds and up to \$46,629,000 metropolitan district bonds, pursuant to various bond enabling laws; providing that such bonds shall be general obligations of the County; authorizing the County Executive to specify, prescribe, determine, provide for or approve the final principal amounts, maturity schedules, interest rates and redemption provisions for such bonds, and other matters, details, forms, documents or procedures and to determine the method of sale of such bonds; providing for the disbursement of the proceeds of such bonds and for the levying of taxes to pay debt service on such bonds; and providing for and determining various matters in connection therewith.

Supplementary Budget & Appropriation Ordinance No. 3-Fiscal 2010 – Transferring \$103,102 from the Grants Fund, Contingency Reserve to the Department of Police in order to fund overtime for the service of arrest warrants for violent crimes

AN ACT transferring \$103,102 from the Grants Fund, Contingency Reserve to the Department of Police in order to fund overtime for the service of arrest warrants for violent crimes.

Supplementary Budget & Appropriation Ordinance No. 4-Fiscal 2010 - Transferring \$99,761 from the Grants Fund, Contingency Reserve to the Department of Police in order to fund one detective corporal assigned to the Domestic Violence Section

AN ACT transferring \$99,761 from the Grants Fund, Contingency Reserve to the Department of Police in order to fund one detective corporal assigned to the Domestic Violence Section.

Supplementary Budget & Appropriation Ordinance No. 5-Fiscal 2010 – Transferring \$34,135 from the Grants Fund, Contingency Reserve to the Sheriff's Office to fund the purchase and installation of mobile data computers.

AN ACT transferring \$34,135 from the Grants Fund, Contingency Reserve to the Sheriff's Office to fund the purchase and installation of mobile data computers.

Supplementary Budget & Appropriation Ordinance No. 6-Fiscal 2010 - Transferring \$750,000 from the Grants Fund, Contingency Reserve to the Department of Housing and Community Development to establish the Neighborhood Conservation Initiative (NCI) Project.

AN ACT transferring \$750,000 from the Grants Fund, Contingency Reserve to the Department of Housing and Community Development to establish the Neighborhood Conservation Initiative (NCI) Project.

General

Council Bill No. 42-2009 – Introduced by Mary Kay Sigaty, Jennifer Terrasa & Calvin Ball – Amending the Howard County Code to require New Town Village Center redevelopments to be reviewed by the Design Advisory Panel; and generally relating to the Design Advisory Panel

AN ACT amending the Howard County Code to require New Town Village Center redevelopments to be reviewed by the Design Advisory Panel; and generally relating to the Design Advisory Panel.

Council Bill No. 43-2009 – Authorizing the County Executive to enter into certain mutual aid agreements; updating certain references to State law; and generally relating to the authority to send police officers outside of Howard County

AN ACT authorizing the County Executive to enter into certain mutual aid agreements; updating certain references to State law; and generally relating to the authority to send police officers outside of Howard County.

Council Bill No. 44-2009 – Approving, in accordance with Section 612 of the Howard County Charter, an extension of the Original Term of the Agreement of Lease for the portion of the building consisting of approximately 5,728 square feet located at 3300 North Ridge Road, Suite 240, Ellicott City, Howard County, Maryland by and between Executive Center Inc., a Maryland corporation, to be used by the Maryland Cooperative Extension

AN ACT approving, in accordance with Section 612 of the Howard County Charter, an extension of the Original Term of the Agreement of Lease for the portion of the building consisting of approximately 5,728 square feet located at 3300 North Ridge Road, Suite 240, Ellicott City, Howard County, Maryland by and between Executive Center Inc., a Maryland corporation, to be used by the Maryland Cooperative Extension.

Council Bill No. 45-2009 –In accordance with Section 612 of the Howard County Charter, approving a multi-year renewal of a multi-year lease for a portion of a building located at 88 State Circle, Annapolis, Maryland

AN ACT, in accordance with Section 612 of the Howard County Charter, approving a multi-year renewal of a multi-year lease for a portion of a building located at 88 State Circle, Annapolis, Maryland.

Council Bill No. 46-2009 – Clarifying the types of properties subject to Historic District Commission review and advice; transferring certain substantive review requirements; requiring certain resubmissions of certain plans under certain conditions; amending certain filing deadlines; making certain technical corrections; and generally related to the Historic District Commission

AN ACT clarifying the types of properties subject to Historic District Commission review and advice; transferring certain substantive review requirements; requiring certain resubmissions of certain plans under certain conditions; amending certain filing deadlines; making certain technical corrections; and generally related to the Historic District Commission.

Council Bill No. 47-2009 – To update references to Leadership in Energy and Environmental Design (LEED) rating systems in order to reflect current versions; to make a technical correction; and generally relating to Howard County's Green Buildings Law

AN ACT to update references to Leadership in Energy and Environmental Design (LEED) rating systems in order to reflect current versions; to make a technical correction; and generally relating to Howard County's Green Buildings Law.

Council Bill No. 48-2009 - Introduced by Chairperson Sigaty - Removing certain requirements for certain members of certain boards and commissions; and generally relating to financial disclosure requirements for members of boards and commissions

AN ACT removing certain requirements for certain members of certain boards and commissions; and generally relating to financial disclosure requirements for members of boards and commissions.

Council Bill 49-2009 – Amending the Annual Budget and Appropriation Ordinance of Howard County, Fiscal Year 2010 in order to make an emergency appropriation from revenues not anticipated in the budget for Fiscal Year 2010 pursuant to Section 610 of the Howard County Charter; and declaring this to be an emergency Act.

AN ACT amending the Annual Budget and Appropriation Ordinance of Howard County, Fiscal Year 2010 in order to make an emergency appropriation from revenues not anticipated in the budget for Fiscal Year 2010 pursuant to Section 610 of the Howard County Charter; and declaring this to be an emergency Act.

Council Resolution No. 77-2009 – Adopting a fee-in-lieu for a waiver of the Howard County Green Buildings Law

A RESOLUTION adopting a fee-in-lieu for a waiver of the Howard County Green Buildings Law.

Council Resolution No. 78-2009 – Approving an amendment to the Howard County Master Plan for Water and Sewerage, consisting of tables and maps incorporating various revisions, including the:

- 1. Revision of the priority designations assigned in the Master Plan to certain private development projects; and
- 2. Update of the water and sewer facilities maps to reflect entries into the Metropolitan District

A RESOLUTION approving an amendment to the Howard County Master Plan for Water and Sewerage, consisting of tables and maps incorporating various revisions, including the:

- 1. Revision of the priority designations assigned in the Master Plan to certain private development projects; and
- 2. Update of the water and sewer facilities maps to reflect entries into the Metropolitan District.

Council Resolution No. 79-2009 – Adopting a local debt policy as required by State law

A RESOLUTION adopting a local debt policy as required by State law.

Council Resolution No. 80-2009 – Amending the rules that implement the Settlement Downpayment Loan Program established under Title 13, Subtitle 9 of the Howard County Code, the Homeownership Assistance Program; defining certain terms; amending certain definitions; providing for different types of loans; setting forth eligibility criteria and loan amounts; clarifying the use of loans; clarifying certain application procedures; making certain technical corrections; and generally relating to the Settlement Downpayment Loan Program

A RESOLUTION amending the rules that implement the Settlement Downpayment Loan Program established under Title 13, Subtitle 9 of the Howard County Code, the Homeownership Assistance Program; defining certain terms; amending certain definitions; providing for different types of loans; setting forth eligibility criteria and loan amounts; clarifying the use of loans; clarifying certain application procedures; making certain technical corrections; and generally relating to the Settlement Downpayment Loan Program.

Council Resolution No. 81-2009 – Endorsing the provision of financing by the State Department of Business and Economic Development for an economic development project in Howard County; designating the Howard County Economic Development Authority as the agency to administer the project; and certifying that the project is consistent with the County's plan for economic development

A RESOLUTION endorsing the provision of financing by the State Department of Business and Economic Development for an economic development project in Howard County; designating the Howard County Economic Development Authority as the agency to administer the project; and certifying that the project is consistent with the County's plan for economic development.

Council Resolution No. 82-2009 -- Calling the County Council of Howard County, Maryland into legislative session on September 9th, 2009.

A RESOLUTION calling the County Council of Howard County, Maryland into legislative session on September 9th, 2009.

FINAL CONSIDERATION

Council Resolution No. 69-2009 - Approving the application and receipt of financing for two Community Legacy Projects in Howard County, further described in the Community Legacy Application, to be financed either directly by the Maryland Department of Housing and Community Development or through other departments or agencies of the State of Maryland

The Chairperson moved to adopt Council Resolution No. 69-2009. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the resolution was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.

Council Resolution No. 69-2009 passed.

Council Resolution No. 65-2009 – Introduced by Chairperson at the request of the Howard Soil Conservation District - Approving the fee system of the Howard Soil Conservation District and providing that the fee system applies to each plan that is required to be reviewed by the Howard Soil Conservation District from and after July 1, 2009 (*Tabled 07/30/09*)

The Chairperson moved to remove Council Resolution No. 65-2009 from the table. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.

The motion to remove Council Resolution No. 65-2009 from the table passed.

The Chairperson moved to adopt Council Resolution No. 65-2009. The motion was seconded by Ms. Terrasa.

The Chairperson moved to suspend the rules to allow the introduction of Amendment No. 2 to Council Resolution No. 65-2009 which was not prefiled. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.

The motion to suspend the rules passed.

The Chairperson moved to adopt Amendment No. 2 to Council Resolution No. 65-2009 as follows: (*This amendment requests the Soil Conservation District to provide a report on income and expenses*).

On page 1, after line 12, insert:

"AND BE IT FURTHER RESOLVED by the County Council of Howard County, Maryland that the Soil Conservation District is requested to provide a monthly report to the County Executive and the County Council on income and expenses related to the review of grading permits and sediment control plans, the number of plans reviewed, the number of hours per reviewed plan, total acres LOD and average number of reviews per completed plan."

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on Amendment No. 2 was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.

Amendment No. 2 to Council Resolution No. 65-2009 passed.

The Chairperson moved to suspend the rules to allow the introduction of Amendment No. 3 to Council Resolution No. 65-2009 which was not prefiled. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.

The motion to suspend the rules passed.

The Chairperson moved to adopt Amendment No. 3 to Council Resolution No. 65-2009 as follows: (*This amendment alters the fee system for the Soil Conservation District*).

Remove the fee system attached to this Resolution and substitute the fee system attached to this Amendment.

Howard Soil Conservation District Fee System

For review and evaluation of sediment and erosion control plans

Application Fee \$100

Review Fee per acre of disturbance (flat fee) rounded to the s75 nearest tenth of an acre

Review Fees shown include 2 resubmissions, the third resubmission is one-half of the original Review Fee which includes the fourth and fifth resubmission, any subsequent resubmissions will be charged at one-half of the original Review Fee.

Capital projects are exempt from the fee structure.

Review Fees for all plans reviewed for a single development are capped at \$1800.

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on Amendment No. 3 was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.

Amendment No. 3 to Council Resolution No. 65-2009 passed.

The roll call vote called by the Chairperson on the resolution as amended was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.

Council Resolution No. 65-2009 passed as amended.

Council Resolution No. 82-2009 -- Calling the County Council of Howard County, Maryland into legislative session on September 9th, 2009.

The Chairperson moved to approve Council Resolution No. 82-2009. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the resolution was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.

Council Resolution No. 82-2009 passed.

ADJOURNMENT The Chairperson adjourned the legislative session at 8:48 p.m.